

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
CIVIL ACTION NO. 7:22-cv-00172-FL**

**FORTITUDE LIFE INSURANCE & ANNUITY
COMPANY,**

Plaintiff,

v.

**AMANDA SCRIVEN, JAMES SCRIVEN, AS
EXECUTOR OF THE ESTATE OF RICHARD
MOSLEY, THE AMERICAN NATIONAL RED
CROSS D/B/A AMERICAN RED CROSS,
AMERICAN RED CROSS OF EASTERN
NORTH CAROLINA, AND NORTH CAROLINA
COMMISSION FOR THE BLIND,**

Defendants.

**ORDER FOR
INTERPLEADER RELIEF AND DISMISSAL**

Upon Joint Motion for Interpleader Relief and Dismissal, and the Court having considered the application of the Parties and counsel, and for good cause having been shown;

IT IS HEREBY ORDERED THAT:

- (1) The Joint Motion is hereby GRANTED in full.
- (2) Within twenty-one (21) days of entry of this Order, FLIAC shall deposit with the Clerk of the Court a check equal to the proceeds (“Death Benefit”)¹ due as a result of the death of Richard Arthur Mosley (“Annuitant”) under Annuity Contract Number E0619067 (the “Annuity”);
- (3) The Clerk of Court shall deposit said proceeds into an interest-bearing account and maintain the same pending further Order of the Court;

¹ Due to the terms of the Annuity and nature of its underlying investments, the funds are subject to market fluctuation and will be calculated on the date of distribution.

(4) Upon deposit of the Death Benefit, FLIAC shall be, and hereby is, discharged from any and all liability in connection with the Death Benefit and/or the Annuity;

(5) Defendants are hereby permanently enjoined from bringing any action or proceeding in any forum, or making any further actual or implied claims, demands and causes of action, asserted or unasserted, liquidated or unliquidated, or bringing any action or proceeding in any forum against FLIAC relating to the Death Benefit and/or otherwise in connection with the Annuity;

(6) Each of the Defendants does therefore release, remise, and forever disclaim all claims, rights, interests and actions that such Defendant might otherwise have held against FLIAC and its present and former parents, subsidiaries and affiliated corporations, predecessors, successors and assigns and their respective officers, directors, agents, employees, representatives, attorneys, fiduciaries and administrators, with respect to the Death Benefit and/or otherwise in connection with the Annuity;

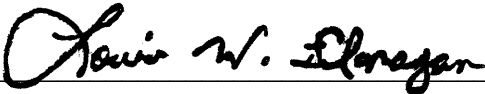
(7) FLIAC hereby releases any claims it might otherwise have held against each of the Defendants in connection with payment of the Death Benefit and/or the Annuity, including a release of FLIAC's claim for attorneys' fees;

(8) FLIAC shall be, and hereby is, dismissed from this action with prejudice, and any and all claims arising out of or related to the Annuity asserted against FLIAC, or that could have been asserted, are hereby dismissed with prejudice, without further fees or costs to any party;

(9) American Red Cross of Eastern North Carolina and James Scriven, as Executor for the Estate of Richard Mosley, shall be, and are hereby are, dismissed from this action without prejudice, without fees or costs to any party.

This ORDER shall be deemed a final judgment as to FLIAC in accordance with Fed. R. Civ. P. 54(b), there being no just reason for delay.

IT IS SO ORDERED this 6th day of June, 2023.



LOUISE W. FLANAGAN
United States District Judge